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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 GEO-GROUP COMMUNICATIONS,  
4 INC.,

5 Plaintiff,

6 v.

15 Civ. 1756 (KPF)

7 VIPIN SHAH,

8 Defendant.

Conference

9 New York, N.Y.  
June 30, 2021  
1:03 p.m.

10 Before:

11 HON. KATHERINE POLK FAILLA,

12 District Judge

13 APPEARANCES

14 LOREE & LOREE

15 Attorneys for Plaintiff

16 BY: PHILIP J. LOREE, JR., ESQ.

17 MANDEL BHANDARI LLP

Attorneys for Defendant

18 BY: RISHI BHANDARI, ESQ.

SHOMIK GHOSH, ESQ.

19 ALSO PRESENT: GOVIND VANJANI, President, Geo-Group  
20 VIPIN SHAH, Defendant  
NISHANT SHAH  
21 VISHAL SHAH

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(Case called)

THE DEPUTY CLERK: Will counsel please state your name for the record, starting with plaintiff.

MR. LOREE: Philip Loree, Jr., of Loree & Loree law firm, for the plaintiff Geo-Group.

THE COURT: Good afternoon.

MR. GHOSH: Good afternoon, your Honor. Shomik Ghosh on behalf of defendant Vipin Shah from Mandel Bhandari LLP, joined by my colleague, Rishi Bhandari.

THE COURT: Good afternoon to you, and good afternoon to all three Mr. Shahs who are present here.

Mr. Vanjani, good afternoon to you, sir.

MR. VANJANI: Good afternoon.

THE COURT: Thank you, sir. And you're welcome to be seated. Thank you.

MR. VANJANI: Thank you, your Honor.

THE COURT: So we're here, and this was a meeting I wasn't sure we were having, but we are. And so I have looked again at the *in limine* motions that were filed; I've looked again at just my own rules for conducting bench trials, the joint pretrial order, and I do have some questions for the parties.

Before I did that, I guess I wanted to satisfy for myself that settlement discussions are indeed dead. And so what I was going to propose to you, which the parties can say

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1 no to, is I wanted to speak with each of counsel in the robing  
2 room without the other counsel present for just a period of a  
3 couple of minutes, but I would understand if you didn't want to  
4 do that because if those discussions failed, I would be the  
5 trier of fact in the bench trial in two weeks. I'm really only  
6 doing this because this case affects the next two weeks of my  
7 life workwise, and yours as well, and I guess I was a little  
8 bit surprised as to how things resolved themselves. But it's  
9 entirely up to you.

10 Mr. Loree, do you want to speak with me for a few  
11 minutes or would you prefer not to, sir?

12 MR. LOREE: Well, I would, with Govind Vanjani's -- if  
13 that would be okay.

14 THE COURT: For the first round, sir, I was just going  
15 to speak with counsel, but I was going to bring clients in if  
16 we made it to a second round. But again, if this is something  
17 you don't wish to do, I won't do it.

18 MR. LOREE: Do you have any objection?

19 MR. VANJANI: Of what?

20 MR. LOREE: Doing the meeting.

21 THE COURT: I'll let you speak with him privately.  
22 Take the time you need.

23 While you're doing that, Mr. Ghosh is going to tell me  
24 his view.

25 MR. GHOSH: Your Honor, we welcome the opportunity to

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1 speak with you. If you'd like to have a few minutes to  
2 discuss, we'd love that.

3 THE COURT: Okay. Let me see what your adversaries  
4 think. And again, I don't want to waste anyone's time.  
5 Mr. Loree?

6 MR. LOREE: Yes, we'll proceed on that basis, yes.

7 THE COURT: Let me do that. Let me just install  
8 myself in the robing room, and we'll get to you in just a  
9 moment. Thank you.

10 MR. LOREE: Thank you, your Honor.

11 THE DEPUTY CLERK: All rise.

12 (Recess)

13 THE COURT: Mr. Loree, is there news to report?

14 MR. LOREE: Yes, your Honor. The parties have reached  
15 a settlement agreement of this action, based on a slightly  
16 revised version of the settlement agreement and mutual release  
17 that was exchanged at 1:30 a.m. by me to the other side -- the  
18 Bhandari firm and Mr. Shah -- and the parties have looked at  
19 the minor changes that I've made, and I will record them on the  
20 record, if that works for you, and we can say that we  
21 unequivocally have an agreement based on that draft with the  
22 changes. And is that acceptable for you, your Honor?

23 THE COURT: That's fine. I mean, I'm happy knowing  
24 that there is an agreement, that there's a written document  
25 that currently embodies that agreement, and that it is the

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1 intention of the parties to make these final edits to the  
2 document and sign it as promptly as possible. If that's the  
3 case, then I don't think you need to read every bit of it into  
4 the record. But I want to understand that there is a written  
5 agreement that exists. It's your understanding, sir, there is.

6 MR. LOREE: Yes, there is.

7 THE COURT: One moment, please.

8 Mr. Vanjani, you've seen this written agreement, sir.  
9 It is your intention to sign it once these edits are made?

10 MR. VANJANI: Yes, your Honor. Thank you so much.

11 THE COURT: Thank you, sir.

12 And Mr. Ghosh, there's a document that I have seen,  
13 sir, and it's being handed to you right now. It is what I  
14 understand to be a 1:30 a.m. draft of the settlement agreement  
15 with some handwritten annotations, I believe most of which have  
16 been accepted by you, and I had a discussion with you about the  
17 one that may not have been. Is that the settlement agreement,  
18 sir?

19 MR. GHOSH: Yes, your Honor.

20 THE COURT: And is it your understanding that that  
21 settlement agreement will be sent to you in the next 24 to 48  
22 hours for your client's signature?

23 MR. GHOSH: Yes, your Honor.

24 THE COURT: And is there anything about the agreement  
25 that you wish to put on the record at this point?

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1 MR. GHOSH: Your Honor, we plan on executing it  
2 promptly upon delivery with the edits that the two parties have  
3 made to the document, and that's it.

4 THE COURT: Okay. And Mr. Shah, are you familiar with  
5 the written document to which I've been referring?

6 MR. VIPIN SHAH: I already did, but since I  
7 actually --

8 THE COURT: I'm sorry, sir. I cannot hear you.  
9 You're welcome to sit down if it's easier, because the  
10 microphone covers make it difficult to hear. I thank your son  
11 in advance for helping you with that.

12 All right. So your attorney has placed before you a  
13 written settlement agreement. Have you seen that document  
14 before?

15 MR. VIPIN SHAH: I saw it in the morning.

16 THE COURT: You saw it in the morning. Are you aware  
17 of the changes, the small changes that have been proposed to  
18 it, sir?

19 MR. VIPIN SHAH: No, I didn't know yet.

20 THE COURT: Okay. Mr. Ghosh, I think I want to know  
21 that your client is going to sign this agreement with the  
22 changes. Do you want to speak to him about what they are?

23 MR. GHOSH: Your Honor, we certainly can. I think we  
24 had an understanding, generally, that the changes are  
25 acceptable. I'm happy to take a minute to discuss with

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1 Mr. Shah himself if you'd like, but I can represent I think  
2 that the changes are acceptable, but --

3 THE COURT: Just given the progress of these  
4 negotiations, I would like the one minute of your time with  
5 Mr. Shah and his son, and I'd like you then to come back and  
6 tell me that your client is going to sign that document once it  
7 comes to him in edited form. Take that time, sir. I'll stay  
8 right here.

9 MR. GHOSH: Absolutely.

10 (Mr. Ghosh conferring with Mr. Shah)

11 THE COURT: Mr. Ghosh.

12 MR. GHOSH: Your Honor, I apologize that was longer  
13 than a minute.

14 THE COURT: Not at all, sir. What I care about is  
15 that you've had the time you need.

16 MR. GHOSH: I think Mr. Shah can answer any question.

17 MR. VIPIN SHAH: Yeah, he just make me understand what  
18 about the changes.

19 THE COURT: And is it your intention, sir, when you  
20 see the final version of the document, to sign that document?

21 MR. VIPIN SHAH: Yes.

22 THE COURT: Thank you.

23 I again just want to underscore something I said  
24 earlier. First of all, I want to extend my appreciation to all  
25 counsel involved in this, including the one who just left for

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1 another matter, because I do appreciate the time that you spent  
2 looking at this case and trying to find a resolution short of  
3 trial.

4 I am willing to accept jurisdiction in this case for  
5 the enforcement of this matter, and I just want to be clear  
6 what that means and does not mean. It means that I am here if  
7 something goes wrong with the settlement, and I expect that  
8 everything will go right with the settlement, so I hope that  
9 you and I will not be talking to each other about this case  
10 again, but I can make no guarantees to the parties about what  
11 this review of electronic materials will reveal, what has and  
12 has not been preserved or not preserved, and what causes of  
13 action result from that. I'm just here to ensure that the  
14 agreement that the parties have reached in good faith is also  
15 carried out in good faith.

16 Mr. Loree, let me please ask you one other question,  
17 and I'll ask the same of Mr. Ghosh. It is Wednesday. It is  
18 Wednesday afternoon. Should I take this bench trial off of my  
19 calendar and begin scheduling for that week, or should I wait  
20 until tomorrow when you tell me that this is all signed?

21 MR. LOREE: I think that you could do it now because I  
22 intend to sign it, and you all intend to sign it, correct?

23 MR. GHOSH: Yes, your Honor.

24 THE COURT: They're all nodding their heads.

25 MR. LOREE: Yes, your Honor.



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1 MR. GHOSH: Yes, your Honor.

2 THE COURT: All right. Then I will take this off of  
3 my trial calendar, and you have my thanks in that regard. I'm  
4 sure every case behind yours also thanks you.

5 We've been here for a while now. I don't want to keep  
6 you longer. Thank you. Be well. And I hope to only hear  
7 successful things about this settlement. Thank you.

8 ALL PARTICIPANTS: Thank you very much, your Honor.

9 THE DEPUTY CLERK: All rise.

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